

CHAPTER 104.

REGULATING THE PRACTICE OF MEDICINE.

AN ACT to regulate the Practice of Medicine and Surgery in the State of Iowa. H. F. 207.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That every person practicing medicine, surgery or obstetrics, in any of their departments, within this state, shall possess the qualifications required by this act. If a graduate in medicine such person shall present his or her diploma to the state board of examiners, for verification as to its genuineness. If the diploma is found genuine, and is issued by a medical school legally organized and in good standing, of which the state board of examiners shall determine, and if the person presenting and claiming such diploma be the person to whom the same was originally granted, then the state board of examiners shall

Qualifications.
required.

Graduates.

Board shall issue certificate to holder of diploma.	issue its certificates to that effect signed by not less than five physicians thereof, representing one or more physicians of the schools on the board, and such certificate shall be conclusive as to right of the lawful holder to practice medicine, surgery, and obstetrics within this state. If not a graduate the person practicing medicine or surgery within this state, unless he or she shall have been in continuous practice in this state, for a period of not less than five years, of which he or she shall present to
Examinations.	the state board of examiners satisfactory evidence in the form of affidavits, shall appear before said state board of examiners, and submit to such examination as said board may require. All
How conducted.	examinations shall be conducted in writing, and all examination papers, together with the reports, and action of the examiners thereon, shall be preserved as the records of the said board for a period of five years, during which time they shall remain open for inspection at the office of the said state board of examiners. Such examinations shall be in anatomy, physiology, general
Subjects examined upon.	chemistry, pathology, therapeutics, and the principles and practice of medicine, surgery and obstetrics. <i>Provided</i> , that each
Proviso.	applicant upon receiving from the secretary of the board an order for an examination shall receive also a confidential number, which he or she shall place upon his or her examination papers
Method of examination.	so that when said papers are passed upon by the examiners, the latter shall not know by what applicant said papers have been prepared. That upon each day of examination all candidates be given the same set or sets of questions. It is further provided
Papers; how marked.	that the examination papers shall be marked upon the scale of one hundred (100), and that in order to secure a license, it shall be necessary for the applicant to attain such average as shall hereafter be determined by the state board of examiners, and if such examination be satisfactory to at least five physicians of said board, representing the different schools of medicine on the
Board shall issue certificate.	board, the board shall issue a certificate which shall entitle the lawful holder thereof to all the rights and privileges herein provided, and the physicians and the secretary of the state
Board of examiners; how constituted.	board of health shall constitute, and be deemed a board of examiners for the purpose of this act.
Shall procure a seal and receive applications for certificates and examinations.	SEC. 2. The state board of examiners shall procure a seal within sixty days after the passage of this act, and through the secretary of said board shall receive applications for certificates and examinations. The president, or any member of the board,
Power to administer oaths, etc.	shall have the authority to administer oaths and take testimony in all matters relating to their duties as examiners aforesaid. The board shall provide three forms of certificates; One for
Three forms of certificates.	persons in possession of genuine diplomas, one for candidates examined by the board, and one for persons who have practiced medicine or surgery in any of its departments for five years as provided in this act. Said certificate shall be signed by not
How signed.	less than five physicians of the board, and this number may act as an examining board in the absence of the full board: <i>Provided</i> that one or more members of the different schools of
Proviso.	

medicine represented in the state board of health shall also be represented in the board of examiners. The board of examiners shall hold meetings at such places as will best accommodate applicants residing in different portions of the state, and at any such time as they shall deem best, and due notice of the time and place of such meetings shall be published.

Meetings of board.

Notice.

SEC. 3. The board shall examine all diplomas submitted to them for such purpose to determine their genuineness and the rightful ownership of the person presenting the same. The affidavit of the applicant and holder of any diploma that he or she is the person therein named, and is the lawful possessor thereof, shall be necessary to verify the same, with such other testimony of the board may require. Diplomas and accompanying affidavits may be presented in person or by proxy. If the diploma shall be found genuine, and in possession of the person to whom it was issued, the state board of examiners shall, upon the payment of a fee of two dollars, to the secretary of the board, issue a certificate to the holder of such diploma, and no further fee or sum shall be demanded or collected from said applicant by said board for such certificate. If the diploma shall be found to be fraudulent, or not lawfully in possession of the holder or owner thereof, the person presenting such diploma or holding or claiming possession thereof, shall be deemed guilty of a misdemeanor, and on conviction thereof, before any court of competent jurisdiction, be fined not less than twenty dollars, nor more than one hundred dollars.

Shall examine diplomas.

Fee for certificate on a diploma.

Fraudulent diploma.

Penalty for presenting same.

SEC. 4. Every person holding a certificate issued by the state board of examiners, shall, within sixty days after the date of such certificate, have the same recorded in the office of the county recorder in the county wherein he resides, and should he remove from one county to another to practice medicine, surgery, or obstetrics, his certificate must be recorded in the county to which he removes. The county recorder shall endorse upon the certificate the date of record, and he shall be entitled to charge and receive a fee of fifty cents for his services, the fee to be paid by the applicant.

Certificates shall be recorded with county recorder.

Fees for recording.

SEC. 5. The county recorder shall record in a book provided for that purpose, a complete list of the certificates presented for record, and the date of their issue by the state board of examiners. If the certificate is issued by reason of a diploma, the name of the medical college conferring the same, and the date when conferred shall be recorded; and when such certificate shall have been granted upon the examination of the board, or because of five years practice in the state, such fact shall be recorded. Said records, shall be open for inspection during business hours.

How recorded.

SEC. 6. Candidates for examination shall pay in advance to the secretary of the state board of examiners, a fee of ten dollars, which fee, together with the fees received for certificates, shall defray the entire expense of the aforesaid board of examiners, and the balance shall be turned over to the state treasurer for

Fees for examination.

Expense of board; how met.

the benefit of the school fund, except such an amount as will pay each member of the board ten dollars (\$10) per day during the time he is in actual attendance upon the session of the said board for the purpose of performing the duties required of him under this act, and, as will pay the secretary of the board such a salary as they may allow, not to exceed five dollars per day during the time he is actually engaged in performing the work of the board under this act, and each member of the board of examiners shall also receive a sufficient amount to defray his actual and necessary expenses while in the discharge of the duties herein provided. Any one failing to pass the required examination shall be entitled to a second examination within twelve months without fee, *provided* that any applicant for examination by notice in writing to the secretary shall be entitled to an examination within three months from the time of said notice and a failure to give such opportunity, shall entitle such applicant to practice without the certificate required by this act until the next regular meeting of said board.

Compensation of members of board.

Of secretary of board.

Also necessary expenses.

Second examination.

Certificates may not be granted; when.

SEC. 7. The state board of examiners may refuse to grant a certificate to any person, who has been convicted of a felony committed in the practice of his profession or in connection therewith or may revoke certificates for like cause, or for palpable evidence of incompetency, and such refusal or revocation shall prohibit such person from practicing medicine, surgery or obstetrics, provided, such refusal or revocation of a certificate can only be made with the affirmative vote of at least five physicians of the state board of examiners, in which number shall be included one or more members of the different schools of medicine represented in said board; and provided further, that the standing of a legally chartered medical college, from which a diploma may be presented, shall not be questioned except by a like vote.

Who deemed as practicing medicine.

How construed.

Proviso.

SEC. 8. Any person shall be deemed as practicing medicine, surgery or obstetrics or to be a physician within the meaning of this act, who shall publicly profess to be a physician, surgeon or obstetrician, and assume the duties, or who shall make a practice of prescribing or of prescribing and furnishing medicine for the sick, or who shall publicly profess to cure or heal, by any means whatsoever, but nothing in this act shall be construed to prohibit students of medicine, surgery or obstetrics, from prescribing under the supervision of preceptors, or gratuitous service in case of emergency, nor shall this act extend to prohibit women who are at this time engaged in the practice of midwifery nor to prevent the advertising, selling or prescribing natural mineral waters flowing from wells or springs nor shall this act apply to surgeons of the United States army or navy, marine hospital service, nor to physicians as defined herein who have been in practice in this State for five consecutive years, three years of which time shall have been in one locality; provided, such physician shall furnish the state board of examiners satisfactory evidence of such practice, and shall procure the

proper certificate, as provided in this act, and for which certificate such physician shall pay the secretary of the state board of examiners a fee of two dollars, and said board shall issue to the applicant such certificate nor shall this apply to registered pharmacists when filling prescriptions, nor shall it be construed to interfere with the sale of patent or proprietary medicines in the regular course of trade.

Practicing physician to procure certificate.
Fee for certificate.

SEC. 9. Any person who shall practice medicine or surgery within this state, without having complied with the provisions of this act, and who is not embraced in any of the exceptions or after being prohibited from so doing as provided in section 7 of this act, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not less than ten days, nor more than thirty days.

Penalty for practicing contrary to the provisions of this act.

SEC. 10. Any person who shall file, or attempt to file, with the state board of examiners, as his or her own, the diploma of another person, or who shall file, or attempt to file with the county recorder the certificate of another person, as his or her own, or who shall file or attempt to file a diploma or certificate with the true name erased therefrom and the claimant's name inserted, or who shall file or attempt to file any forged affidavit of identification, shall be deemed guilty of the crime of forgery.

Penalty for fraud in diploma or certificate.

SEC. 11. The penalties, as provided in this act, or violations thereof, shall not be enforced prior to first day of January, A. D. 1887.

Time of taking effect of penalties.

SEC. 12. All acts and parts of acts in conflict with this act are hereby repealed.

Repealing clause.

This bill having remained with the Governor three days (Sunday excepted), the General Assembly being in session, has become a law this 9th day of April, A. D. 1886.

FRANK D. JACKSON, *Secretary of State.*